

REMARKS

Reexamination and reconsideration of claims 1-20 are respectfully requested. Claims 1-20 stand rejected.

Claim 8 was rejected under 35 U.S.C. sec. 102(b) applying US 5,146,527 (the '527 reference) without a teaching reference. Applicants respectfully traverse the rejection of claim 8. For a reference to be applicable under sec. 102(b), the teaching or combination of teachings must, *inter alia*, expressly or inherently, teach, or disclose, each and every feature of the claimed invention.

It is respectfully submitted that the Office Action did not make a *prima facie* case of anticipation.

Claim 8 recites *inter alia*, a "a body having a first end and a second end, the body having a *lead-in portion* at the first end and at the second end...an opening disposed between the first and second ends in communication with the passageway to splice the optical fibers together". The '527 reference does not teach or suggest a body having a *lead-in portion* at the first end and at the second end. For at least this reason, claim 8 is submitted to be patentable over the '527 reference.

Therefore, it is respectfully requested that the rejection of claim 8 be withdrawn.

Claims 1-7 and 9-20 were rejected under 35 U.S.C. sec. 103 applying the '527 reference in view of Murata et al. US 6,779,931 (the '931 reference). Applicants respectfully traverse the rejection of claims 1-7 and 9-20.

Applicants respectfully traverse the assertions in section 3 of the Office Action regarding the '931 reference. The '931 reference does not teach "a method and apparatus for optical fusion splicing". Rather, the '931 reference teaches that "Conventionally known methods of connecting optical fibers together include (1) heating and melting the optical fibers, i.e. so-called fusion splicing, (2) mechanically fixing the optical fibers in a connection box, i.e. so-called mechanical splicing, and (3) using transparent sleeves or V-type grooves with transparent covers to butt the optical fibers against each other and using an UV-curable adhesive to fixedly connect the optical fibers together, i.e. so-called adhesive splicing. However, the fusion splicing requires an expensive fusion splicer, which is large and does not allow connections to be carried out easily in a narrow area. Another problem with the fusion splicing is that the optical fibers require an extra length sufficient to allow the fibers to be set in the fusion splicer and an extra length for a

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reconnection carried out if the fusion fails." Column 1, lines 30-47. Because the '931 references disparages fusion splicing in such a manner, Applicants submit that any combination of the '931 reference with a fusion reference is an improper combination. Additionally, motivation and suggestion to combine the teachings/patents must be present.

It is respectfully submitted that the Office Action did not make a *prima facie* case of obviousness. The sec. 103(a) rejection does not recite valid suggestions and/or motivations the skilled artisan would have had in making the purported modification of the '527 patent. For example, the Office Action states that "One would have been motivated to do so because it provides an efficient device [sic] by allowing added support to the fused fiber as taught by Murata." However, Murata et al. is silent with respect to fused fiber. Rather, Murata et al. teaches that fusion splicing is full of problems as set forth above, and Murata et al. touts the benefits of an adhesive connection. Therefore, it is respectfully submitted that this is not an explanation why one of ordinary skill in the art would have been motivated and taken a suggestion to make the proposed modification. See the MPEP sec. 706.02(j). In other words, the Office Action lacks proper reasoning for the making the purported modification.

Instead, the objective evidence of record shows that the skilled artisan would not have been motivated to make the purported modification. A *prima facie* case of obviousness requires a reasonable expectation of success in making the purported modification. See the MPEP sec. 706.02(j).

Claim 1 recites *inter alia*, "a housing, the housing configured to hold the ferrule therein...at least one electrode disposed in the housing and adjacent to the opening in the ferrule for fusion splicing the optical fibers". Neither the '527 nor the '931 references, alone or in combination, teach or suggest a housing, the *housing configured to hold the ferrule therein, and at least one electrode disposed in the housing and adjacent to the opening in the ferrule for fusion splicing the optical fibers*. For at least this reason, claim 1 is submitted to be patentable over the '527 and the '931 references. Claims 2-7 depend from claim 1 and are submitted to be patentable for at least the same reasons.

Claim 9 recites *inter alia*, "a housing, and at least one electrode disposed in the housing adjacent to the opening in the ferrule for fusion splicing the optical fibers". Neither the '527 nor the '931 references, alone or in combination, teach or suggest a *housing, and at least one*

electrode disposed in the housing adjacent to the opening in the ferrule for fusion splicing the optical fibers. For at least this reason, claim 9 is submitted to be patentable over the '527 and the '931 references. Claims 10-18 depend from claim 9 and are submitted to be patentable for at least the same reasons.

Claim 19 recites inter alia, "a heating element disposed under the fiber optic splice holder". Neither the '527 nor the '931 references, alone or in combination, teach or suggest *a heating element disposed under the fiber optic splice holder*. For at least this reason, claim 19 is submitted to be patentable over the '527 and the '931 references. Claim 20 depends from claim 19 and is submitted to be patentable for at least the same reasons.

Applicants respectfully traverse the conclusionary assertion in the Office Action that "It would have been obvious to one of ordinary skill in the art at the time of the invention to place the heat source below the fiber splice holder, or any other position in the device, to allow optimum heating of the protection element". Rather than making a conclusionary statement, a *prima facie* case requires a showing of motivation and suggestion to combine the teachings/patents *in the references themselves*. Here however there has been no showing of motivation and suggestion to combine the teachings/patents *in the references themselves*.

Therefore, Applicants request the 103 rejection of claims 1-7 and 9-20 be withdrawn.

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CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner to withdraw any objection(s) and/or rejection(s) to the claims and to reconsider the application. This request for reconsideration is fully responsive to the Office Action and the application is in condition for immediate allowance. Accordingly, Applicants respectfully request the Examiner to issue a Notice of Allowability for the pending claims. Applicants encourage the Examiner to contact the undersigned directly to further the prosecution of any remaining issues, and thereby expedite allowance of the application.

This Amendment does not result in more independent and/or total claims than paid for previously. Accordingly, NO fee is believed to be due. However, the Examiner is hereby authorized to charge any fee due in connection with the filing of this response, including any excess claims fee, to Deposit Account No. 19-2167. If a fee is required for an extension of time under 37 C.F.R. §1.136 not already accounted for, such an extension is requested and the fee should likewise be charged to Deposit Account No. 19-2167. Any overpayment should be credited to Deposit Account No. 19-2167.

Respectfully submitted,



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